

REMARKS

Concurrently filed with this amendment is a terminal disclaimer document. This document should address the rejection made under the judicially created doctrine of equivalents.

Claims 1 and 11 have been amended, and claim 30 has been canceled. The application now includes claims 1-29 and 31.

Claims 1-31 have been rejected as being anticipated by or obvious over U.S. Patent 5,766,522 to Daly. Claims 1-31 have been rejected as being anticipated by or obvious over U.S. Patent 5,548,004 to Mandel. Both rejections are traversed in view of the amendments above.

As was thoughtfully recognized by the Examiner, the inventors have found very surprising results in the formation of free flowing powders. Claim 1 has been specifically amended to set forth this aspect of the invention and now requires

agitating or masticating said blend so as to produce a free flowing powder comprised of particles including said chemical agent in its crystalline form associated with said at least one polymer.

In operation, the chemical agent becomes associated with the fluoropolymer and assumes its crystalline form, and then is fragmented or fractured through agitation or mastication, thereby creating particles of the chemical agent with fluoropolymer associated therewith. Page 4 of the application lines 17-19 discusses the formation of free flowing powders where the particles are polymer coated chemical agent particles. Page 12 of the application discusses free flowing powders being formed in examples 1-3 (see lines 18-19). With reference to Tables 2 and 3 and the text on pages 13 and 14 of the application, it can be seen that free flowing powders are created when the chemical agent associates with a polymer, but not when polymer does not associate with the chemical agent (see lines 15-19 on page 14). Table 4 on page 17 of the application shows the formation of chemical blends using chemical agents and polymers different from those shown in Tables 1 and 2.

Neither Mandel nor Daly show production of a free flowing powder comprises of particles including said chemical agent in its crystalline form associated with said at least one polymer. Specifically, Mandel pertains to

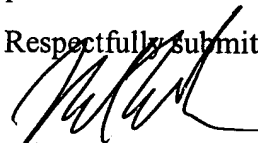
preparing coating materials, and as the Examiner has noted Mandel at most shows working up the polymerization product and does not show formation of free flowing powder which includes the chemical agent associated with the polymer. Daly describes production of a powder coating, not a free flowing powder which includes a chemical agent in crystalline form associated with a polymer.

In view of the above, it is respectfully requested that the application be reconsidered, that claims 1-29 and 31 be allowed, and that the application be passed to issue.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041.

Respectfully submitted,



Michael E. Whitham
Reg. No. 32,635

Whitham, Curtis & Christofferson, P.C.
11491 Sunset Hills Road, Suite 340
Reston, VA 20190

Tel. (703) 787-9400
Fax. (703) 787-7557

Customer No.: 30743